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October 31, 2006
Date


Thomas E. Loop

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stonetile (Canada) Ltd.
Application No. 10/775,057 Confirmation No. 4610
Filing Date: February 9, 2004
Title: CONCRETE PANEL SYSTEM
Art Unit: 3635
Examiner: Katcheves, Basil S.
Attorney Docket No. 750010.801

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with Applicant's ongoing duty of disclosure as set forth in 37 CFR § 1.56, Applicant wishes to make known to the U.S. Patent and Trademark Office that (1) two newspaper articles are known to exist that identify the product for which a U.S. patent is now being sought, and (2) a Complaint for Patent Infringement (Case No.: C06-1546RSM) based on U.S. Patent No. RE39,091 (the parent patent from which the above-identified application claims priority to) was filed in the United States District Court Western District of Washington against Castia Stone, Inc. on October 26, 2006.

With regards to the two newspaper articles (copies provided), Castia Stone, Inc. now alleges that they anticipate the claimed subject matter of U.S. Patent No. RE39,091 and U.S. Patent No. 6,253,515 (now surrendered) because they each (1) fully disclose the invention, and

(2) acknowledge that the invention was on-sale for more than a year prior to the U.S. filing date. Castia Stone's position in this regard is untenable because, inter alia, neither of the two newspaper articles teach every element of the claims of U.S. Patent No. RE39,091 or U.S. Patent No. 6,253,515, and because sale activities occurring in Canada are not relevant for purposes of determining the applicability of the on-sale bar provisions of 35 U.S.C. § 102(b). Indeed, the two newspaper articles merely report that Peter Kuelker, the inventor of the present continuation application, had invented a new type of decorative concrete siding system and had begun selling these systems in Canada in the early 1990's. Because the newspaper articles fail to disclose any of the technical details of the present invention, they are not relevant to the patentability of the present invention.

In order to anticipate a claim, a prior art reference must teach every element of the claim: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1501, 1053 (Fed. Cir. 1987); see also *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the . . . claim."). Because the newspaper articles fail to disclose, or otherwise teach or suggest, V-joints between adjacent concrete panels, they necessarily fail to disclose every element of the present invention.

Moreover, and for purposes of judging the applicability of the 35 U.S.C. § 102(b) bars, public use or on-sale activity must take place in the United States. The "on-sale" bar does not generally apply where both manufacture and delivery occur in a foreign country. *Gandy V. Main Belling Co.*, 143 U.S. 587, 593 (1892); see also *In re Ekenstam*, 256 F.2d 321, 118 USPQ 349 (CCPA 1958) (Prior knowledge or use which is not present in the United States, even if widespread in a foreign country, cannot be the basis of a rejection under 35 U.S.C. § 102(a)). Because no sales activity associated with the present invention occurred within the United States prior to the critical date of the present application, the "on-sale" bar provisions of 35 U.S.C. § 102(b) do not apply.

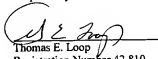
With regards to the Complaint for Patent Infringement, Stonetile Canada Ltd. (copy provided), the owner of U.S. Patent No. RE39,091 and U.S. Patent No. 6,253,515, seeks to

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enforce its U.S. patent rights against Castia Stone, Inc. Castia Stone has not yet answered the Complaint.

Please kindly make the cited references of record in the above-identified application and charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 503382.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. E. Loop", is written over a horizontal line.

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Substitute for form 1442 PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number	10775,057
Filing Date	February 9, 2004
First Named Inventor	Peter Kuefker
Art Unit	3635
Examiner Name	Basil S. Katcheves
Attorney Docket Number	750010.801

NON PATENT LITERATURE DOCUMENTS

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Examiner Signature	Date Considered
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